

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 076333/0108

In re patent application of

Joel S. Greenberger.

Filed: August 6, 1997

Group Art Unit: 1633

Serial No.: 08/907,041

Examiner: S. Chen

Title: PROTECTION FROM IONIZING IRRADIATION OR CHEMOTHERAPEUTIC DRUG DAMAGE BY *IN VIVO* GENE THERAPY

SEP 1 1999

**PETITION FOR SUSPENSION OF ACTION**  
**UNDER 37 C.F.R. §1.103**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants hereby petition for suspension of action on the above-identified application for the following reasons.

1. The subject case is a file wrapper continuation of an earlier application (USSN 08/484,830) filed on June 7, 1995.

2. Applicants have made an earnest effort to prosecute this series of applications toward the grant of a patent, but heretofore have been unsuccessful in overcoming a rejection of the claims under 35 USC 112, first paragraph, as being non-enabled. A Declaration was submitted January 23, 1997, which the Examiner deemed to be unsuccessful in overcoming the rejection.

3. In an effort to be responsive in this continuing application to the outstanding rejection, applicants are planning and conducting additional experiments which they believe will verify the applicability of the process of the invention over the full scope contemplated by the claims. This supplemental experimentation involves *in vivo* administration of the recombinant vectors and will establish that the vectors provide a therapeutic effect. Additional vector constructs other than liposomes and adenoviral vectors will be included in the supplemental experimentation. It is expected that the contemplated experimentation will be completed in late 1999 or early 2000, and that the analysis would be completed by one year from now.

In order to be afforded a fair opportunity to make of record the results of the experimentation described in this petition and thereby advance the instant case to allowance, petitioners respectfully request that action on the case be suspended for a period of SIX MONTHS from the date of grant of the petition.

Please find enclosed a check in the amount of \$130.00 to cover this petition. This amount is believed to be correct; however, the Commisioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 19-0741.

Respectfully submitted,

17 September 1991  
Date

  
Stephen A. Bent  
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